

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

---oOo---

ALFRED TODAK and STEPHANIE TODAK,	)	
	)	
Plaintiff(s),	)	
vs.	)	
	)	No. 320621
ASBESTOS DEFENDANTS, (BHC),	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF DAVID MAXWELL

THURSDAY, JANUARY 10, 2002

Reported By: MARJORIE FORMAN, CSR #2783

Tooker & Antz
Court Reporting & Video Services
818 Mission Street, Fifth Floor
San Francisco, California 94103
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SC-GRAY-5855

I N D E X

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E X H I B I T S

DEFENDANTS

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1	December 10th, 2001 letter from Pat Safford of Brayton Purcell to Archer Norris	32

E X H I B I T S

PLAINTIFFS'

FOR IDENTIFICATION	DESCRIPTION	PAGE
A	Notice of Taking Deposition and the accompanying Proof of Service, and the rescheduling letter for today's deposition and the accompanying Proof of Service.	20
B	Records Retention Policy Graybar Electric,	24
C	Document entitled "Bethlehem Steel Corporation and Subsidiary Companies," dated November 29, 1967.	58
D	Document entitled "Bethlehem Steel Corporation and Subsidiary Companies," dated November 24, 1967.	61
E	Graybar invoice dated 11/18	62
F	Bethlehem Steel Corporation and Subsidiary Companies invoice dated 3/29/65	67

1 QUESTIONS BY MR. GOLDSTEIN NOT ANSWERED:

2 PAGE 31 LINE 21

3 Q. And again, did you make an inquiry with corporate
4 headquarters recording any information from that collection
5 of documents, the pension retirement plan documents?

6 PAGE 33 LINE 25

7 Q. And did you inquire at the corporate level with
8 regard to category number 7, line 7, page 4 of Exhibit A?

9 PAGE 44 LINE 11

10 Q. So what you are saying is I would have to ask him how
11 he did it?

12
13 PAGE 47 LINE 6

14 Q. So as you sit here, you can't explain to me how he
15 made his inquiry?

16
17 PAGE 73 LINE 16

18 Q. But I am asking if you know personally whether or not
19 he specifically looked for that form of document.

20

21

22

23

24

25

A P P E A R A N C E S

For the Plaintiff(s):

Brayton & Purcell

222 Rush Landing Road

Novato, California 94945

Represented by: JOHN B. GOLDSTEIN, Attorney at Law

For the Defendant(s): Union Carbide, Certainteed,

McKenna & Cuneo

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San Francisco, California 94105

Represented by: JILL HAMES HOFFMAN, Attorney at Law

For the Defendant(s): Foster Wheeler, Inc., Fraser's Boiler

Service, Incorporated, Hopeman Brothers, Inc.,

Jackson & Wallace

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San Francisco, California 94104

Represented by: JAMES R. COLGAN, Attorney at Law

For the Defendant(s): Jamestown Metal Marine Sales, Inc.,

Pond, North & Hugo, P.C.

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San Francisco, California 94102

Represented by: MAX LEE KELLEY, Attorney at Law

1 For the Defendant(s): Metalclad Insulation Corporation,
2 General Cable Corporation,
3 Misciagna & Colombatto
4 27 Maiden Lane, 4th Floor
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6 Represented by: GREGORY S. ROSSE, Attorney at Law
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8 For the Defendant(s): Saberhagen Holdings, Inc.,
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14 For the Defendant(s): Graybar Electric Company, Inc.,
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16 2033 North Main Street, Suite 800
17 Walnut Creek, California 94596
18 Represented by: EUGENE C. BLACKARD, JR., Attorney at Law
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20 For the Defendant(s): Cutler-Hammer,
21 Howard, Rome, Martin & Ridley
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25

///
25

APPEARING TELEPHONICALLY

For the Defendant(s): Underwriters Laboratory,

Freeburg, Judy, & Nettels

600 South Lake Avenue, Second Floor

Pasadena, California 91106

Represented by: CYNTHIA SCHALENBRAN, Attorney at Law

1 BE IT REMEMBERED that on Thursday, January 10, 2002,
2 at the hour of 10:20 a.m., at Tooker & Antz, Court Reporting
3 & Video Services, 818 Mission Street, 5th Floor, San
4 Francisco, California 94103, before me, Marjorie Forman, a
5 Certified Shorthand Reporter, duly authorized to administer
6 oaths pursuant to Section 2093 (b) of the California Code of
7 Civil Procedure, personally appeared,

8 DAVID MAXWELL,

9 Called as a witness by the Plaintiffs, and the
10 said witness, having stated that he would testify the truth,
11 the whole truth, and nothing but the truth, testified as
12 follows:

13 ---oOo---

14 EXAMINATION BY MR. GOLDSTEIN

15 MR. GOLDSTEIN: Good morning, sir. My name is
16 John Goldstein. I'm an attorney with the law firm of
17 Brayton Purcell and we represent Mr. Todak and Mrs. Todak in
18 this matter.

19 Sir, would you be kind enough to please state and
20 spell your name for the record?

21 A. David Maxwell. D-A-V-I-D. Maxwell is
22 M-A-X-W-E-L-L.

23 Q. And, sir, are you employed?

24 A. Yes, I am.

25 Q. And who is your current employer?

1 A. Graybar Electric Company.

2 Q. Have you ever had your deposition taken before?

3 A. Yes, I have.

4 Q. When was the last time you had your deposition
5 taken?

6 A. I don't recall the exact date but -- but roughly
7 ten years ago.

8 Q. Do you recall who the parties were in that
9 litigation?

10 A. The -- the defendant was Mann & Hassett
11 Construction.

12 Q. And who was the plaintiff, if you know?

13 A. Graybar Electric Company.

14 Q. Did this litigation involve any asbestos?

15 A. No.

16 Q. You had indicated you had your deposition taken
17 several times. Approximately how many? Is that the only
18 time you had --

19 A. Yes, that was the only time.

20 Q. In that case, I think we'll go over the
21 admonitions. Fair enough?

22 A. That's fair.

23 Q. Sir, you have taken an oath, and the oath that you
24 have taken is the same and will have the same weight and
25 effect as an oath before a judge in a court of law. Do you

1 understand that?

2 A. Yes.

3 Q. There's a Court Reporter here and she's taking
4 down all of my questions and she is taking down your
5 responses.

6 In order for her to do that, you need to give me
7 audible responses, no nods of the head. Fair enough?

8 A. Yes.

9 Q. And we need to be careful about not speaking over
10 each other. Please wait until I finish my question. I'll
11 wait until you give me a complete answer. Fair enough?

12 A. Yes.

13 Q. I'm entitled to your best estimate when I ask you
14 a question. I don't want you to guess.

15 If you don't know, if you don't have a basis for
16 answering, don't guess, but I'm entitled to an estimate.

17 Do you understand the difference between guessing
18 and estimating?

19 A. Yes.

20 Q. Have you taken any medication in the last 24 hours
21 that would in any way affect your ability to testify here
22 today?

23 A. No.

24 Q. Can you think of any reason why this deposition
25 cannot go forward right now?

1 A. No.

2 Q. I'd like to get a little bit of your background.

3 I'd like to start with your education.

4 A. Sure.

5 Q. Did you attend college?

6 A. Yes, I did.

7 Q. Where did you attend college?

8 A. Sacramento State University.

9 Q. And what was your course of study?

10 A. Business administration.

11 Q. Did you have a minor?

12 A. No.

13 Q. Did you receive a degree?

14 A. Yes.

15 Q. What was the degree?

16 A. Bachelor of Science in business administration.

17 Q. When did you attend Sacramento State?

18 A. 1980 through 1984.

19 Q. Have you done any postgraduate work?

20 A. No.

21 Q. Do you have any other degrees?

22 A. No.

23 Q. Have you attended any technical schools or
24 vocational schools?

25 A. No.

1 Q. You mentioned that you are currently employed by
2 Graybar Electric. What's your title?

3 A. Vice president of sales.

4 Q. Is that a position that has national
5 responsibilities or regional responsibilities?

6 A. Regional or district. We would characterize it as
7 district responsibilities.

8 Q. Which district?

9 A. Western communication data district.

10 Q. We'll come back to that in a moment. But when you
11 completed your study at Sacramento State, what was your
12 first job?

13 A. My first job was with R. Dakin,
14 D-A-K-I-N, & Company.

15 Q. And what business is R. Dakin in?

16 A. Manufacturer of -- of plush toys.

17 Q. What was your position there?

18 A. Credit supervisor.

19 Q. Approximately when did you start with R. Dakin?

20 A. Early 1984, approximately.

21 Q. How long were you with R. Dakin?

22 A. One year.

23 Q. Who was your next employer?

24 A. Graybar Electric Company.

25 Q. When you started with Graybar, what business was

1 Graybar Electric in?

2 A. Wholesale distribution of electrical and
3 telecommunication products.

4 Q. What year did you start with Graybar Electric?

5 A. 1985.

6 Q. What was your title when you started with Graybar
7 Electric in '85?

8 A. Financial manager.

9 Q. As financial manager for Graybar Electric in '85,
10 generally, what were your duties?

11 A. Primarily credit extension, collections, accounts
12 receivable administration.

13 Q. Did this position require your knowledge of the
14 customer base of Graybar Electric?

15 A. Yes.

16 Q. As financial manager, did you maintain customer
17 lists?

18 A. Could you be more specific?

19 MR. BLACKARD: The question is vague.

20 MR. GOLDSTEIN: Q. One other thing I forgot to
21 mention to you. From time to time your attorney or another
22 attorney might object to the form of the question. Wait to
23 answer until they have stated their objection. And unless
24 your attorney instructs you specifically not to answer the
25 question, you can go ahead and answer the question after

1 they have stated the objection. Do you understand?

2 A. Thank you.

3 Q. Let me rephrase that.

4 As financial manager in 1985 for Graybar Electric,
5 did you work with customer lists?

6 MR. BLACKARD: Do you understand the question?

7 THE WITNESS: I'd like more clarification on
8 what -- what -- how you define a "list."

9 MR. BLACKARD: That's fine. Go ahead. Can you --

10 MR. GOLDSTEIN: Q. All right. You had mentioned
11 that as financial manager you were required to be familiar
12 with the customer base, correct?

13 A. Correct.

14 Q. In 1985, did Graybar keep a list of its
15 customers --

16 MR. BLACKARD: The question is -- go ahead.

17 MR. GOLDSTEIN: Q. -- either writing or
18 electronically?

19 MR. BLACKARD: Objection. The question is vague
20 and ambiguous as to time and location and where those lists
21 might have been kept.

22 Go ahead.

23 MR. GOLDSTEIN: Q. You can answer.

24 A. Okay. Thank you.

25 I will offer my -- my opinion on the definition of

1 a "list."

2 We kept -- kept records of customers in various
3 formats, including accounts receivable, agent, customer
4 names that included sales, data, and so forth.

5 Q. Did the accounts receivable list only include
6 those customers that had a credit relationship with Graybar
7 Electric?

8 A. No.

9 Q. What other purchasing basis would a customer have
10 that would put them on an accounts receivable list?

11 A. If there is any balance on any dollar balance on
12 the account, either a credit balance or a debit balance.

13 Q. In 1985, when you went to work for Graybar
14 Electric as financial manager, who was your direct
15 supervisor?

16 A. Jerry Spillman, S-P-I-L-L-M-A-N.

17 Q. Do you know if Mr. Spillman is currently employed
18 by Graybar Electric?

19 A. He is not.

20 Q. Do you know if Mr. Spillman is living?

21 A. Yes, he is.

22 Q. Do you know where Mr. Spillman currently resides?

23 A. I do not -- I can not tell you at this moment. He
24 resides in the Bay Area.

25 Q. When you say "at this moment," do you have an

1 address book or some other record of where Mr. Spillman
2 resides?

3 A. I don't personally have that information.

4 Q. How long were you the financial manager for
5 Graybar Electric?

6 A. Approximately six years.

7 Q. So approximately 19 -- through 1991?

8 A. Correct.

9 Q. And did you remain employed by Graybar Electric in
10 1991?

11 A. Yes.

12 Q. What was your title then?

13 A. Branch manager.

14 Q. As branch manager, did you have responsibility for
15 a particular facility?

16 A. Yes.

17 Q. And what would that be?

18 A. South San Francisco.

19 Q. And what was the nature of the business at this
20 facility?

21 A. Wholesale distribution of electrical and
22 telecommunication products.

23 Q. Was an inventory maintained at that location?

24 A. Yes.

25 Q. Was there a sales counter at that location?

1 A. Yes.

2 Q. In 1991 when you were branch manager for Graybar
3 Electric, who was your direct supervisor?

4 A. Frank Hipp, H-I-P-P.

5 Q. Do you know if Mr. Hipp is still employed by
6 Graybar Electric?

7 A. He is not.

8 Q. Do you know if he is living?

9 A. To my knowledge, he is.

10 Q. Do you know where he currently resides?

11 A. I do not.

12 Q. How long were you the branch manager for Graybar
13 Electric in South San Francisco?

14 A. Approximately one year.

15 Q. 1992. Did you remain employed with Graybar in
16 1992?

17 A. Yes.

18 Q. And what was your title in '92?

19 A. General manager, Asia, Middle East.

20 Q. And as the general manager for Asia and the Middle
21 East, could you briefly summarize what your responsibilities
22 were?

23 A. All sales, marketing and operations in Asia, the
24 Middle East and Africa, including our export branches, our
25 export facilities in South San Francisco and Houston, Texas.

1 Q. As general manager for Asia and the Middle East,
2 did you have any purchasing or acquisition responsibility?

3 A. "Purchasing," as defined as material?

4 Q. Ordering; inventory, ordering material.

5 A. Yes.

6 Q. And could you briefly describe to me what the
7 nature of that responsibility was?

8 MR. BLACKARD: Well, I am going to object. This
9 is beyond the scope of the deposition.

10 I know you need to lay your foundation, but
11 anything happening in 1991 is truly beyond the scope of your
12 Deposition Notice.

13 So I'll let it go on a little bit longer, but it
14 really is not a part of this Deposition Notice.

15 MR. GOLDSTEIN: Gene, I'm not spending a great
16 deal of time with this. I am simply trying to get
17 background and foundation.

18 MR. BLACKARD: Well, as I said --

19 MR. GOLDSTEIN: We'll keep moving through it as
20 quickly as possible.

21 MR. BLACKARD: Thank you.

22 THE WITNESS: Would you repeat the question,
23 please?

24 MR. GOLDSTEIN: Q. Certainly.

25 As the general manager for Asia and the Middle

1 East working for Graybar Electric, did you have any
2 purchasing or acquisition responsibilities?

3 A. Yes.

4 Q. And could you please summarize for me previously
5 what the nature of that responsibility was?

6 A. It was in the context of a -- of acting as a
7 wholesale distributor, where we would purchase products from
8 manufacturers or alternate sources and redistribute the
9 products to our customers.

10 Q. How long were you the general manager for Asia and
11 the Middle East?

12 A. Approximately seven years.

13 Q. That would take us to 1998 -- '99?

14 A. 1999.

15 Q. And were you still employed with Graybar Electric
16 in 1999?

17 A. No.

18 Q. Who did you go to work for in 1999?

19 A. Golden State Lumber.

20 Q. And what was your title when you went to work for
21 Golden State Lumber?

22 A. Chief Operating Officer.

23 Q. In 1999 when you joined Golden State Lumber, what
24 business was Golden State Lumber in?

25 A. Wholesale distribution of building materials.

1 Q. Did that include electrical components?

2 A. Yes.

3 Q. How long were you with Golden State Lumber?

4 A. Approximately 18 months.

5 Q. Do you recall specifically when you left Golden
6 State Lumber?

7 A. October 2000.

8 Q. And where did you go after you left Golden State
9 Lumber?

10 A. Design to Build.

11 Q. What was your position at Design to Build?

12 A. Vice president, sales and marketing.

13 Q. What business was Design to Build in?

14 A. Collaborative software developer.

15 Q. How long were you with Design to Build?

16 A. Approximately four months.

17 Q. Through February of 2001?

18 A. Correct.

19 Q. And who did you work for after Design to Build?

20 A. Graybar Electric Company.

21 Q. And when you returned to Graybar Electric in
22 February of 2001, what was your title?

23 A. National account manager.

24 Q. How long were you the National account manager?

25 A. Approximately seven months.

1 Q. So in September of 2001, your title changed?

2 A. Officially November 1st.

3 Q. And what was your new title?

4 A. Vice president sales.

5 Q. Is that the current position that you hold?

6 A. Correct.

7 Q. Mr. Maxwell, is it your understanding that you are
8 appearing today representing Graybar Electric as the
9 custodian of records?

10 A. Yes.

11 MR. GOLDSTEIN: Let's take a moment and mark as
12 Plaintiffs' Exhibit, the Notice of Taking Deposition and the
13 accompanying Proof of Service, as well as the rescheduling
14 letter for today's deposition and the accompanying Proof of
15 Service.

16 (Plaintiffs' Exhibit A was marked.)

17 MR. GOLDSTEIN: Q. Mr. Maxwell, I'd ask that you
18 take a look at what has been marked as Plaintiffs' Exhibit
19 A, the Notice of Deposition, and tell me if you have, prior
20 to right now, ever seen that before, or a copy of it before.

21 MR. BLACKARD: Not the correspondence, just the
22 Notice.

23 THE WITNESS: Okay. Yes.

24 MR. GOLDSTEIN: Q. And I would direct your
25 attention, if I could, here, to page 3 titled "Documents

1 Sought of the Custodian of Records."

2 As the custodian of records in preparation for
3 this deposition, did you conduct a search?

4 A. Yes.

5 Q. And could you tell me, did you conduct the search
6 personally, or did someone conduct it under your direction?

7 A. It was conducted under my direction.

8 Q. How many individuals actually physically conducted
9 the search?

10 A. I don't have personal knowledge, in terms of the
11 numbers, but I asked that the search be made of the
12 appropriate manager at each location covering the market
13 areas of Denver, Portland and Seattle, and received their
14 reply.

15 MR. BLACKARD: Okay.

16 MR. GOLDSTEIN: Q. Could you tell me who the
17 managers that you contacted in Denver, Portland and Seattle
18 are?

19 A. Yes. The area manager of com data sales and
20 manager of customer service.

21 Q. By branch, could you tell me these individual's
22 names?

23 A. Yes.

24 Q. Please.

25 A. In Denver, Chris Borel, B-O-R-E-L. In Seattle,

1 Mike Denbo, D-E-N-B-O. In Portland, Bonnie Barone,
2 B-A-R-O-N-E.

3 Q. And when you contacted these individuals, what
4 instructions did you give them?

5 A. Relative to the custodian of records, I requested
6 that they find any documents in the branch from the time
7 period 1960 through 1975.

8 Q. Any document?

9 A. Correct. And I was purposefully asked for any
10 document --

11 MR. BLACKARD: There is no question pending.

12 THE WITNESS: Thank you.

13 MR. GOLDSTEIN: Q. Why is it that you gave them
14 the instructions to search for any document?

15 A. Because I wanted to make sure that if there were
16 any documents, that we would locate them.

17 My expectation was such that there would be no
18 documents, due to our record retention policy, which
19 requires, by policy, that all documents specifically
20 contained in category 1, be discarded or shredded.

21 Q. Having been a branch manager yourself, do you have
22 an understanding of the sorts of documents that are retained
23 by a sales branch for Graybar Electric?

24 MR. BLACKARD: The question is a little vague as
25 to time.

1 Go ahead, if you can answer.

2 THE WITNESS: Would you please repeat the
3 question?

4 MR. GOLDSTEIN: Q. Certainly.

5 You've been a branch manager for Graybar Electric
6 yourself, correct?

7 A. Correct.

8 Q. Do you have a current understanding of what
9 documents are kept by the branches reflecting purchases,
10 inventory transfers and sales?

11 A. Yes.

12 Q. What sorts of documents are retained by the
13 branches currently?

14 A. There's an exhaustive list of documents that are
15 kept by the branch relating to sales, purchases, human
16 resources, administration.

17 Q. If I could direct your attention to page 3 of
18 Exhibit A, line number 10, that category requests a copy of
19 the Graybar Electric document retention policy, it was
20 produced to your office.

21 Did you bring a copy of it with you today?

22 MR. BLACKARD: Luckily we did bring another copy
23 with us.

24 MR. GOLDSTEIN: Are you prepared to produce it
25 now?

1 MR. BLACKARD: Of course. Well -- off the record
2 just for a second.

3 (Discussion off the Record.)

4 MR. GOLDSTEIN: I'd like to mark the Records
5 Retention Policy Graybar Electric, which has just been
6 produced, as Plaintiffs' Exhibit B.

7 MR. BLACKARD: Before you do that, the record
8 should be clear that this document has been produced
9 repeatedly to the Brayton office, so this isn't the first
10 time that it's been produced.

11 (Plaintiffs' Exhibit B was marked.)

12 MR. GOLDSTEIN: Q. Are we ready?

13 A. I'm ready. Thank you.

14 Q. Sir, you've just produced and we've marked
15 Graybar's record retention policy. Is it your understanding
16 that this document you've produced is the current records
17 retention policy of Graybar Electric?

18 A. Yes.

19 Q. Do you know how long this particular version has
20 been effective?

21 A. This specific version has been effective since
22 September 11th, 2000. It was at that date that the
23 policy -- or the records retention policy was reissued.

24 Q. Is there a particular section that contains the
25 documents which would be retained by a sales branch, or is

1 it not organized in that fashion?

2 A. It is organized by general categorization --
3 general document categorization that will list what
4 documents are kept and the time period relative to each
5 document, the retention time period.

6 Q. I am trying to get a sense of what documents the
7 branch managers would have looked for.

8 Is there any way that you can indicate for me
9 which of the documents on this retention policy list would
10 have been maintained by a sales branch or would be
11 maintained --

12 A. Yes.

13 Q. -- by a sales branch? Okay.

14 A. Yes.

15 Q. Would you do that for me?

16 A. Would you like to go through each individual
17 document? A general summary would be that the branch would
18 maintain accounting operating, financial and sales
19 documents.

20 Q. So if I could perhaps interpret what you are
21 saying.

22 On page 3 of Exhibit B, the category subcategory
23 3, sales and general operations, would all those documents
24 be routinely maintained by the branch?

25 A. Yes.

1 Q. And then the accounting and financial matters,
2 category 4, would all those documents be retained on a
3 branch level?

4 A. Some of the documents would be maintained at the
5 branch level, some documents would be maintained at the
6 district level, and some of the documents would be
7 maintained at the corporate level.

8 Q. Are any of the human resources records maintained
9 at the branch level?

10 A. No.

11 Q. You testified earlier that you made -- you
12 instructed the managers of the Denver, Portland and Seattle
13 branches to conduct a search for documents at their
14 facilities.

15 A. Correct.

16 Q. Did you make an inquiry at the district level for
17 a document search?

18 A. The Seattle -- relative to Seattle, that is the
19 district office, as well as the branch office.

20 Q. Which office would be the district office, Seattle
21 office?

22 A. Correct. So the records for the branch and the
23 district would be maintained there.

24 Q. So your instructions included a search of both the
25 documents that were maintained by the branch and the

1 district entity?

2 A. Correct.

3 Q. Did you make an inquiry or instruct anyone at the
4 corporate level to search for documents?

5 MR. BLACKARD: I am going to object, only to the
6 extent that this was a subject of a meet and confer with
7 your office, and the witness here was instructed to search
8 for documents pursuant to our meet and confer instructions,
9 and he has already testified to the extent of the search of
10 documents he made in his region.

11 MR. GOLDSTEIN: Q. Can you answer the question?

12 A. No.

13 Q. You didn't ask anyone at corporate to conduct a
14 search?

15 A. Correct.

16 Q. Do you know whether or not any catalogs are
17 maintained at the corporate headquarters?

18 A. Yes, we do have -- it's my understanding we have
19 catalogs at the corporate office, and the ...

20 Q. And what sorts of catalogs are maintained at the
21 corporate office?

22 A. Catalogs of products that we distribute in the
23 context of a historical prospective and value.

24 Q. Do you know what period of time the catalogs that
25 are retained, would cover?

1 A. I could not have any knowledge of that; however,
2 my understanding is that there is -- there is no definitive
3 policy in place to maintain those catalogs. It's somewhat
4 arbitrary, and purely is a matter of historical record.

5 Q. Did you make an inquiry as to whether or not any
6 of these product catalogs that are retained for historical
7 purposes, were catalogs from the period 1960 through 1975?

8 A. I did not specifically ask to find catalogs.

9 Q. Do you personally know whether or not any of the
10 catalogs that are maintained at the corporate office include
11 catalogs from the period 1960 through '75, inclusive?

12 A. I do not know.

13 Q. Who might I ask that could give me an answer to
14 that question?

15 MR. BLACKARD: Could we go off the record just a
16 second?

17 (Discussion off the Record.)

18 MR. GOLDSTEIN: Mr. Blackard has just indicated
19 that he has produced a list of the catalogs, and we are
20 going to meet and confer after the deposition and determine
21 what catalogs they have and what catalogs they don't have.

22 Q. Sir, if you would please take a look at page 3 of
23 the records retention policy marked as Exhibit B,
24 specifically the subcategory, sales and general operations.
25 There is a category indicating 3.5 written agreements 20

1 years after expiration, and those are -- what are those
2 written agreements?

3 A. It could be a variety of different types of
4 agreements, including national agreements with -- with
5 landlords. Landlord of a facility is an example.

6 It could be agreements relative to trucking
7 companies, distribution services. Generally agreements
8 relative to conducting our overall operations.

9 Q. This category of written agreements, would that
10 include written agreements with manufacturers for purchase
11 of product?

12 A. They could include written agreements relative to
13 specific purchase orders, the distinction being it would not
14 include distribution agreements.

15 Q. Would it include any written agreement with a
16 large customer, for example?

17 A. Perhaps.

18 Q. Would it include any sort of licensing or private
19 label agreement?

20 MR. BLACKARD: Objection. The question assumes
21 facts not in evidence.

22 Go ahead.

23 MR. GOLDSTEIN: Q. Can you answer the question as
24 I've stated it?

25 A. It's possible, to the extent that those existed.

1 I would note that the retention is 20 years after
2 expiration.

3 Q. Does that mean after expiration of the agreement?

4 A. That is my understanding.

5 Q. So if an agreement were to expire in 1985, the
6 retention would be through 2005?

7 A. Yes.

8 Q. Did Chris Borel report back to you from the Denver
9 office that he found any responsive documents in this
10 category?

11 A. Yes, and he responded that he did not find any
12 documents.

13 Q. Did he make any specific reference to this
14 particular category of written agreements?

15 A. The request was, produce any documents from the
16 time period 1960 through 1975. And the reply was that there
17 were no documents.

18 Q. And what about the Portland office?

19 A. The request was to produce any documents from 1960
20 through 1975, and the response was there were no documents.

21 Q. And the Seattle, both the branch and the district
22 office?

23 A. The request was to produce all documents from 1960
24 through 1975, and the response was there were no documents.

25 Q. Do you have an understanding of the actual search

1 process that any of these three branch managers employed in
2 order to conduct this search?

3 A. No. I did not ask for specific methodology, other
4 than to produce any documents in the categories.

5 Q. I had asked you earlier if the -- if there were
6 any human resource records at the branch level, and I think
7 think your response was no, there were not. Is that --

8 A. Correct.

9 Q. Are there any human resource records at the
10 district level?

11 A. Yes.

12 Q. And does Graybar Electric maintain a retirement or
13 pension plan for its employees?

14 A. Yes.

15 Q. And are the records for the retirement and pension
16 plan maintained at the Seattle district office for the
17 Western region?

18 A. No.

19 Q. Where are they maintained?

20 A. Corporate headquarters.

21 Q. And again, did you make an inquiry with corporate
22 headquarters recording any information from that collection
23 of documents, the pension retirement plan documents?

24 MR. BLACKARD: I am going to object, in that it
25 was not the subject of this deposition pursuant to our meet

1 and confer process. Don't answer that question.

2 MR. GOLDSTEIN: I am not certain how you arrive at
3 that, Mr. Blackard.

4 MR. BLACKARD: Well, I guess I'll have to
5 introduce as exhibit next in order for the defense our
6 correspondence dated December 10th, 2001 from Pat Safford of
7 your office, in which it was summarized what we agreed to
8 for this deposition. And I'll give you a copy of it. I
9 only have the one copy. I have highlighted the pertinent
10 area.

11 MR. GOLDSTEIN: Fine. Let's go ahead and mark
12 that for the defense.

13 (Defendants' Exhibit 1 was marked.)

14 MR. GOLDSTEIN: Q. If you could, sir, I'd like to
15 direct your attention to page 4 of Exhibit A --
16 Plaintiffs' A. I think you are on page 3 right now.
17 Category 7, line 7 asks for the identity of individuals
18 responsible for manufacturing sales acquisitions,
19 distribution or marketing during the period of time 1960
20 through '75.

21 Was there an attempt to identify, through the
22 records, find records that would be responsive to that and
23 identify those individuals?

24 A. Yes, and were no documents.

25 Q. There were no documents contained in the human

1 resource records for the Western region district office?

2 MR. BLACKARD: Objection. That misstates
3 testimony.

4 Go ahead.

5 THE WITNESS: Could you repeat the question,
6 please?

7 MR. GOLDSTEIN: Q. Sure.

8 The human resource records which you indicated are
9 maintained at the district level in the Seattle office for
10 the Western region, when they were searched, were any
11 documents found which would indicate any of the individuals
12 that would be covered by category 7, line 7, page 4 of
13 Exhibit A?

14 A. Yes. And there were -- there were no personnel
15 that fit -- fit the parameters of category 7.

16 Q. And when you say "no personnel," are you referring
17 to current personnel records?

18 A. Correct.

19 Q. And the district office doesn't maintain the
20 retirement or the pension records?

21 A. Correct.

22 Q. That would be the headquarters, the corporate
23 office?

24 A. Correct.

25 Q. And did you inquire at the corporate level with

1 regard to category number 7, line 7, page 4 of Exhibit A?

2 MR. BLACKARD: Objection. That question is beyond
3 the scope of this deposition pursuant to an agreement I
4 reached with the Brayton office.

5 Don't answer that question.

6 MR. GOLDSTEIN: Can we just mark the instructions?

7 Q. Just to be clear -- not to be redundant, but just
8 to be clear, you've reviewed the Exhibit A beginning with
9 page 3, documents sought from the custodian of records,
10 categories 1 through 13, and you've made an inquiry and a
11 search with each of the branches with regard to each of
12 these categories?

13 A. Yes.

14 Q. And the results were what?

15 A. We could not produce any documents during the time
16 period of 1960 through 1975.

17 Q. Do you recall -- personally recall whether or not
18 the document retention policy was different when you were a
19 branch manager in South San Francisco?

20 A. "Different"? Could you define --

21 Q. Different from the current document retention
22 policy?

23 A. I do not specifically recall any -- any
24 differences. We did have a -- a document retention policy
25 based on my knowledge, that was essentially the same

1 relative to retaining documents.

2 Q. In 1985, I think it was when you were the branch
3 manager in South San Francisco --

4 A. 1991.

5 Q. '91. Excuse me. Do you recall whether or not
6 there was an automated computer system for storage of any of
7 the information contained in the document retention policy?

8 A. Could you define "automated retention"?

9 Q. Was there a computer system?

10 A. Yes.

11 Q. What information was stored electronically at that
12 time?

13 MR. BLACKARD: Calls for speculation.

14 MR. GOLDSTEIN: Q. If you know.

15 A. I don't have any firsthand knowledge.

16 Q. Do you have any knowledge of whether or not
17 Graybar Electric has been named in asbestos litigation prior
18 to this?

19 A. I do not.

20 Q. The historic catalogs at the corporate
21 headquarters, do those product catalogs contain lists of
22 products sold during that period time for that catalog?

23 A. I have not personally seen the catalogs at the
24 corporate office in the context of -- of actually going
25 through them.

1 MR. BLACKARD: Well, you need to listen to his
2 question. I don't think you responded to his question.

3 Could you ask it again?

4 MR. GOLDSTEIN: Q. The catalogs that you
5 indicated were kept at the corporate headquarters, do those
6 catalogs contain product lists?

7 A. Yes.

8 Q. And the products that are listed in each catalog,
9 do they refer to the products sold by Graybar Electric
10 during that calendar year?

11 A. Not -- not -- they --

12 MR. BLACKARD: Well --

13 THE WITNESS: Yes, they pertain to the products
14 that Graybar distributes, not necessarily in the calendar
15 year, because the catalogs are not produced in each calendar
16 year.

17 MR. GOLDSTEIN: Q. How frequently were catalogs
18 produced, do you know?

19 A. It is -- there is no defined time period.

20 Q. But there are product lists in these catalogs?

21 A. There's a listing of the products we distribute.

22 Q. Are there photographs of products that you
23 distribute in the catalogs?

24 A. On -- on many products, there are.

25 Q. Are there part numbers for the products that you

1 list -- distribute in the catalogs?

2 A. Yes.

3 Q. Are the part numbers that are utilized, Graybar
4 Electric-assigned part numbers?

5 MR. BLACKARD: I object. The question is
6 overbroad and vague as to time.

7 But go ahead.

8 MR. GOLDSTEIN: Q. Can you answer that question?

9 A. Yes.

10 Q. Has Graybar always assigned its own part numbers
11 to products they distributed?

12 A. No.

13 A. Generally speaking, we utilize the manufacturers'
14 part number.

15 Q. Do you know whether or not any documents, other
16 than the catalogs which you've indicated, are maintained by
17 the corporate headquarters?

18 MR. BLACKARD: The question is overbroad, calls
19 for speculation.

20 MR. GOLDSTEIN: Q. If you know. Any of the
21 documents or categories of documents listed on the retention
22 policy, do you know whether or not any of those were
23 retained at the corporate level?

24 A. I don't have any personal knowledge.

25 Q. Do you have any reason to understand that any of

1 them are retained at the corporate level?

2 A. I don't have any reason to understand.

3 Q. Okay. Mr. Maxwell, is it your understanding that
4 you are appearing here today also as the person most
5 knowledgeable for Graybar Electric?

6 A. Yes.

7 Q. Do you understand what that phrase "person most
8 knowledgeable" means?

9 A. Yes.

10 Q. Could you briefly tell me what you understand it
11 to men?

12 A. It's relative to the data that's being sought
13 under this case, someone -- an individual that would have
14 knowledge regarding the case, the specific information
15 requested in this exhibit.

16 Q. When you say "this exhibit," you are referring to
17 Plaintiffs' Exhibit A?

18 A. Correct.

19 Q. Sir, do you have an understanding that as the
20 person most knowledgeable, you are not to rely only on your
21 own personal knowledge, do you understand that?

22 A. Yes.

23 Q. You understand that you are, or were to have
24 prepared for this assignment as person most knowledgeable?

25 A. Absolutely.

1 Q. In your preparation for this deposition today, did
2 you speak with anyone -- aside from your counsel, did you
3 speak with anyone regarding the deposition?

4 A. Yes.

5 Q. Who did you speak with?

6 A. I spoke with the -- the individuals that I
7 mentioned earlier relative to the documentary search.

8 Q. Those branch managers?

9 A. Branch managers and/or managers of customer
10 service, and our -- Graybar's legal department at corporate.

11 Q. And the conversations you had with the branch --
12 perhaps this is my confusion -- but are these two
13 individuals, the branch manager and the customer service
14 manager?

15 A. No. My inquiry was specific to who I believed
16 had -- had the most knowledge of this issue relative to
17 finding the documents or individuals that -- that would fit
18 any of these categories.

19 Q. And did you speak with Chris Borel --

20 A. Yes.

21 Q. -- regarding this preparation for the person most
22 knowledgeable?

23 A. Yes.

24 Q. Did you speak with Mike Denbo?

25 A. Yes.

1 Q. Did you speak with Bonnie Barone?

2 A. Yes.

3 Q. Aside from those three individuals, did you speak
4 with anyone else?

5 A. No.

6 Q. In your conversation with Chris Borel, what was
7 the nature of that conversation?

8 A. To advise if there were any documents or
9 individuals during the time period of 1960 through 1975 that
10 would be, number 1, under employment during that time
11 period; and secondarily, if they were involved in any of
12 the -- the projects or companies mentioned in the exhibit.

13 Q. And when you asked Mr. Borel about current
14 personnel under employment with Graybar, what did he tell
15 you?

16 A. There were none.

17 Q. Is it your representation that Chris Borel in the
18 Denver office reported to you that there are currently no
19 employees of Graybar Electric which were employees of
20 Graybar Electric during the period '60 through '75?

21 MR. BLACKARD: Objection. That question is
22 argumentative. It's been asked and answered.

23 MR. GOLDSTEIN: I am just trying to clarify my
24 understanding of his response.

25 MR. BLACKARD: I am just clarifying the record.

1 Go ahead.

2 THE WITNESS: The question was specifically
3 related -- my question of Mr. Borel is specifically related
4 to any individuals that were employed in the district during
5 that time period, not employed by Graybar Electric Company.

6 MR. GOLDSTEIN: Q. Are you suggesting by that
7 response that there may be current employees of Graybar
8 Electric who are not currently within the Western regional
9 district who during the period 1960 through '75, in fact
10 worked in the district?

11 MR. BLACKARD: Objection. The question misstates
12 the witness' testimony.

13 Go ahead.

14 THE WITNESS: No. I am not saying that.

15 The question was in that location were there any
16 employees that were employed within the district during that
17 time period -- the time period in question, 1960 through
18 1975.

19 MR. GOLDSTEIN: Q. And with regard to Mr. Mike
20 Denbo in Portland, what was your inquiry?

21 A. Mike Denbo is in Seattle. Bonnie Barone is in
22 Portland.

23 Q. Thank you. All right.

24 Mike Denbo in Seattle, what was your inquiry?

25 A. Similar to Mr. Borel. To advise of any employees

1 that were in employment within the district within the time
2 period 1960 through 1975; and if there were any employees,
3 to so advise if they were involved in any of the projects
4 and/or customers under Exhibit A.

5 Q. Are there any current employees in the district
6 that were employees of Graybar Electric in the period '60
7 through '75?

8 A. The question that I asked was as I stated and the
9 response was, there were none.

10 Q. Well, your inquiry was a two-part inquiry, as I
11 understand it.

12 A. Correct.

13 Q. First, are there any current employees that were
14 employees of Graybar Electric from '60 through '75. And
15 then if there are, were any of them involved in sales to the
16 entities listed in the Exhibit A, correct?

17 MR. BLACKARD: Is that how you understood his
18 question? Go ahead.

19 THE WITNESS: No. The -- the question that I
20 asked was a single part question, to simply reply back,
21 one -- not -- an individual question, but a -- a -- a
22 standard answer, were there any employees, and if there
23 were, were any of these employees involved with those --
24 with those customers and/or projects contained in Exhibit A.
25 And the response was, there were none.

1 MR. GOLDSTEIN: Q. Do you know, as you sit here
2 today, whether or not there are any current employees in the
3 Denver office who were employees of Graybar Electric from
4 1960 through 1975?

5 A. Do I personally know?

6 Q. Yes.

7 A. No, I do not.

8 Q. Do you know, as you sit here today, whether or not
9 there are any current employees of Graybar Electric who were
10 employees of Graybar Electric at the Portland office from
11 '60 through '75?

12 A. No, I do not.

13 Q. Same question with regard to Seattle?

14 A. No.

15 Q. And when you spoke with Mr. Chris Borel in Denver
16 regarding the employees -- current employees, how is it that
17 he was able to verify, one way or the other, whether or not
18 any of his current employees had worked during '60 through
19 '75 and were involved in any of the jobs on Exhibit A?

20 MR. BLACKARD: The question calls for speculation
21 and is argumentative. He has already answered these people
22 did their searches, but go ahead.

23 THE WITNESS: All the branch management would have
24 a list of the personnel employed in the branch and the start
25 date of those employees with the company.

1 MR. GOLDSTEIN: Q. Okay. Fair enough.

2 Now, how would you determine whether or not they
3 were involved in any of the projects listed on the Exhibit
4 A?

5 MR. BLACKARD: Calls for speculation.

6 THE WITNESS: The -- the methodology wasn't --
7 wasn't defined, in terms of how he would achieve that
8 information, other than the -- the clear expectation that
9 the information needed to be given back to me relative to
10 the inquiry.

11 Q. So what you are saying is I would have to ask him
12 how he did it?

13 MR. BLACKARD: Well, objection. That misstates
14 his testimony.

15 Don't answer that.

16 MR. GOLDSTEIN: Q. Do you know how -- you don't
17 know the methodology used, is that correct?

18 MR. BLACKARD: Again, that's argumentative.

19 Go ahead.

20 THE WITNESS: I do not personally know, but I can
21 certainly envision how -- how the conversation could take
22 place.

23 MR. GOLDSTEIN: Q. Well, would you share that
24 with me?

25 A. Yes.

1 MR. BLACKARD: You want him to speculate on the
2 record?

3 MR. GOLDSTEIN: No. I don't want him to
4 speculate.

5 Q. So once again, you don't know the methodology and
6 I would need to ask Mr. Borel, correct?

7 MR. BLACKARD: Objection. That misstates
8 testimony. It's argumentative.

9 Go ahead.

10 THE WITNESS: Correct.

11 MR. GOLDSTEIN: Q. And the same would go for the
12 other two branch managers, you don't know their
13 methodology --

14 MR. BLACKARD: Same objection.

15 MR. GOLDSTEIN: Q. -- for the search?

16 A. Correct.

17 Q. And would I need to ask them how they conducted
18 the search?

19 MR. BLACKARD: Same objections.

20 THE WITNESS: Correct.

21 MR. GOLDSTEIN: Q. Do you know how long Mr. Chris
22 Borel has been employed by Graybar Electric?

23 A. I do not know specifically.

24 Q. I don't need a specific answer. I would accept a
25 year.

1 A. Longer than five years.

2 Q. All right. And what about Mike Denbo, do you know
3 how long he has been employed by Graybar Electric?

4 A. No, I do not.

5 Q. What about Bonnie Barone?

6 A. No, I do not.

7 Q. Did you discuss with Mike Denbo whether or not
8 Graybar Electric distributed or sold any electrical products
9 or components to the Lockheed Shipbuilding & Construction
10 Company in Seattle, Washington during the relevant period of
11 time?

12 MR. BLACKARD: Objection. Asked and answered

13 THE WITNESS: Yes.

14 MR. GOLDSTEIN: Q. And what did he reply?

15 A. No, that -- that we did not.

16 Q. And did you discuss with Mike Denbo in the Seattle
17 branch of Graybar Electric, whether or not Graybar
18 distributed or sold any electrical components or products to
19 Bethlehem Steel steel mill in Seattle, Washington, during
20 the period 1960 through '75?

21 MR. BLACKARD: Objection. Asked and answered.

22 Go ahead.

23 THE WITNESS: Yes.

24 MR. GOLDSTEIN: Q. And what did he reply?

25 A. He replied that there were no documents available

1 from that time period. And based on his research, could
2 not -- he could not say.

3 Q. And did he share with you his methodology or
4 research?

5 A. No.

6 Q. So as you sit here, you can't explain to me how he
7 made his inquiry?

8 MR. BLACKARD: Objection. That's argumentative.

9 Don't answer that question. It's been asked a few
10 times.

11 MR. GOLDSTEIN: I am asking it specifically with
12 regard to this one question.

13 Q. Do you understand what his methodology was in
14 determining whether or not there were sales to Bethlehem
15 Steel Corporation steel mill in Seattle in 1960 through '75?

16 MR. BLACKARD: If you can approximate, go ahead.
17 I mean, he's going to move on.

18 THE WITNESS: No, I do not know his specific
19 methodology.

20 MR. GOLDSTEIN: Q. Who would I have to ask to
21 determine that?

22 A. You would --

23 MR. BLACKARD: Well, objection. Mr. Maxwell here
24 is a Graybar's person most knowledgeable, if you want to
25 ask, ask him.

1 MR. GOLDSTEIN: No.

2 Q. Who would I have to ask to determine the
3 methodology that Mr. Mike Denbo used?

4 MR. BLACKARD: If you can answer the question. I
5 am not sure I understand it. Go ahead.

6 THE WITNESS: I have to ask Mike Denbo.

7 MR. GOLDSTEIN: Thank you.

8 Q. Could you tell me, if you would, what is the
9 current street address for the physical location of Graybar
10 Electric in Seattle, Washington?

11 A. I could not tell you -- tell you that right now
12 from -- from personal memory.

13 Q. Do you know whether or not Graybar Electric
14 currently has a location at 1919 6th Avenue South in
15 Seattle?

16 A. I believe that's the street address for the
17 Seattle branch.

18 Q. Do you know how long that branch has been there?

19 A. I do not know specifically.

20 Q. As the vice president of sales for the Western
21 district, are you familiar with the various electrical
22 components that Graybar Electric currently sells?

23 MR. BLACKARD: Objection. The question is
24 overbroad.

25 Go ahead. Go ahead.

1 THE WITNESS: I'm familiar -- I have a general
2 familiarity with the electrical products that we distribute.

3 MR. GOLDSTEIN: Q. If I were to ask you -- if I
4 were to give you a part number for a product, would you know
5 what that product was?

6 A. We have several hundred thousand products. Most
7 likely not.

8 Q. Fair enough.

9 Let's try this one. I've got a part number 9001
10 KA-3, identified as a Square D Block. Do you know what that
11 is?

12 MR. BLACKARD: The question calls for speculation.

13 MR. GOLDSTEIN: Q. If you know.

14 MR. BLACKARD: And lacks foundation.

15 Go ahead.

16 THE WITNESS: No.

17 MR. GOLDSTEIN: Q. Do you know who Square D is?

18 A. Yes.

19 Q. Who is Square D?

20 A. Scare D is a manufacturer and we are an authorized
21 Square D distributor.

22 Q. I'm sorry?

23 A. Square D is a manufacturer and we, Graybar
24 Electric, is a Square D distributor.

25 Q. An authorized distributor, is that what you --

1 A. Correct.

2 Q. Did you say authorized?

3 A. Yes.

4 Q. Do you know what a Square D block is?

5 MR. BLACKARD: Go ahead.

6 THE WITNESS: It's an electrical product.

7 MR. GOLDSTEIN: Q. What kind of electrical
8 product?

9 A. A block.

10 Q. What is a block?

11 MR. BLACKARD: The question is overbroad and lacks
12 foundation, calls for speculation.

13 Go ahead.

14 THE WITNESS: I do not know.

15 MR. GOLDSTEIN: Q. So I take it you have never
16 sold a Square D electrical block?

17 MR. BLACKARD: The question is overbroad. You
18 mean at any time in since 1985?

19 MR. GOLDSTEIN: Yes.

20 THE WITNESS: I would -- could not tell you
21 specifically, but I would be confident that at some point in
22 those 15 years, that -- that I have sold -- been responsible
23 for the sale of a Square D block --

24 MR. BLACKARD: Whatever it is.

25 THE WITNESS: -- however that part number is so

1 defined.

2 MR. GOLDSTEIN: Q. And let's try another part
3 number. 9001 K71, identified as a "Square D operator." Do
4 you know what that is?

5 MR. BLACKARD: Objection. The question lacks
6 foundation, calls for speculation. He has already testified
7 he doesn't know part numbers.

8 Go ahead.

9 THE WITNESS: No.

10 MR. GOLDSTEIN: Q. Do you have any idea from the
11 description what a Square D operator is?

12 MR. BLACKARD: Calls for speculation.

13 THE WITNESS: No.

14 MR. GOLDSTEIN: Q. You don't know?

15 A. No.

16 Q. Let's try another one. 9001 TR52, identified as a
17 "Square D operator red." Does that help in any way?

18 MR. BLACKARD: Same objections.

19 THE WITNESS: That does not.

20 MR. BLACKARD: Are you almost done with the part
21 numbers?

22 MR. GOLDSTEIN: I have a few more, Gene.

23 MR. BLACKARD: Well, you better be quick, because
24 I am going to instruct him not to answer, because there is
25 no foundation to ask him these questions.

1 MR. GOLDSTEIN: Q. Mr. Maxwell, as the vice
2 president of sales -- first of all, as the branch manager of
3 the South San Francisco branch of Graybar Electric, did you
4 become familiar with various electrical components?

5 A. Yes. I already said I have a general familiarity
6 with the products we distribute.

7 Q. Did you become familiar with the various suppliers
8 of the electrical components to Graybar?

9 A. Again, a general familiarity.

10 Q. Did you become familiar with the various uses of
11 the components that you were selling from the South San
12 Francisco branch?

13 A. General familiarity.

14 Q. And do you have a general familiarity with Square
15 D products?

16 MR. BLACKARD: That question has been asked and
17 answered.

18 Go ahead.

19 THE WITNESS: Yes.

20 MR. GOLDSTEIN: Q. If we could go back to the
21 Square D part numbers.

22 Part number 9001 FR52 is identified as a "Square D
23 operator green." Does that in any way help your
24 understanding of what these parts might be?

25 MR. BLACKARD: Objection, to the extent that you

1 are referring to a part number. He has already testified he
2 has no knowledge about part numbers. If you want to ask him
3 about, do you know what a widget is, go ahead.

4 MR. GOLDSTEIN: Q. I am referring to the
5 description now. Do you know what that Square D operator
6 green is?

7 A. No.

8 Q. So I take it from the series of answers you have
9 given me, that taking cumulatively, the reference to Square
10 D operator and then Square D operator green, Square D
11 operator red doesn't help you describe what that component
12 might be?

13 A. No.

14 Q. Are you familiar with a company by the name of
15 Buchanan?

16 MR. BLACKARD: The question is vague as to time.
17 Go ahead.

18 THE WITNESS: Yes.

19 MR. GOLDSTEIN: Q. And what business is Buchanan
20 in, as far as you understand it?

21 A. I have a familiarity of the name as a
22 manufacturer, and I can not answer relative to specific
23 products, and which they manufacture.

24 MR. GOLDSTEIN: Q. Are you at all familiar with a
25 product called, or referred to as Buchanan blocks?

1 MR. BLACKARD: Let me just object and ask for a
2 clarification. Are you referring to his current knowledge
3 now, or are you referring to any point in time that he has
4 been with the company?

5 If it's currently then I will stop objecting and
6 let him answer.

7 MR. GOLDSTEIN: My understanding -- what I'd like
8 to know is if he has a current understanding of what a
9 Buchanan block is.

10 MR. BLACKARD: Okay. Go ahead.

11 THE WITNESS: No.

12 MR. GOLDSTEIN: Q. Have you ever heard of or are
13 you familiar a General Electric product called Glyptal,
14 G-L-Y-P-T-A-L?

15 A. No.

16 Q. If I represented that to you that Glyptal was an
17 insulating compound, does that help refresh your
18 recollection in any way?

19 A. No.

20 Q. If I told you that it was red in color and sold in
21 cans, would that help you in any way?

22 MR. BLACKARD: Objection. That calls for
23 speculation.

24 Go ahead.

25 THE WITNESS: No.

1 MR. BLACKARD: Are you doing okay?

2 MR. GOLDSTEIN: Q. Do you need a break?

3 MR. BLACKARD: Do you need a break?

4 THE WITNESS: Let's take five minutes, if that's
5 okay.

6 MR. GOLDSTEIN: Fair enough.

7 (Recess taken from 11:25 to 11:36.)

8 MR. GOLDSTEIN: We are back on the record.

9 Q. Sir, before we took that break we were going over
10 some -- your general knowledge and familiarity with various
11 vendors and electrical components generally, and I asked you
12 about some specific part numbers and product descriptions.

13 There was one item that I didn't ask you about,
14 and again it's a Square D product. It happens to have the
15 number 9001 KY4, and it's referred to as a Square D
16 enclosure. E-N-C-L, I'm presuming it means enclosure. Are
17 you familiar with what that might be?

18 MR. BLACKARD: Objection. Calls for speculation,
19 lacks foundation.

20 Go ahead.

21 THE WITNESS: I don't have knowledge of that
22 specific part number. An enclosure generally speaking is a
23 metal box.

24 MR. GOLDSTEIN: Q. Are you generally familiar
25 with the Square D product line enclosures?

1 A. No.

2 Q. While employed by Graybar Electric in a sales
3 capacity, have you ever become familiar with any enclosure
4 products that are made of material other than metal?

5 MR. BLACKARD: The question is overbroad, vague.
6 Go ahead.

7 THE WITNESS: No.

8 MR. GOLDSTEIN: Q. All the enclosures you have
9 ever become familiar with while working for Graybar have
10 been metal enclosures?

11 A. I'll correct that comment. I am also aware of
12 fiberglass enclosures.

13 Q. And this is general, it may be objected to by your
14 counsel as vague, but to the extent that you can answer
15 this, do you recall any enclosure products that had
16 equipment or parts inside the enclosure?

17 MR. BLACKARD: Counsel is right. The question is
18 vague and ambiguous and it's overbroad. And I'll allow the
19 witness to answer to the extent that he can.

20 THE WITNESS: Yes.

21 MR. GOLDSTEIN: Q. What sorts of internal
22 components are you familiar with being preinstalled in
23 enclosures?

24 MR. BLACKARD: The question is overbroad, vague as
25 to time and calls for speculation.

1 THE WITNESS: I don't have any personal knowledge
2 of the specific components that would be included in the
3 enclosure, other than a general awareness that there are
4 different products that could be included in the enclosure.

5 MR. GOLDSTEIN: Q. Do you have a general
6 awareness of what types of products that could be included
7 in the enclosure?

8 MR. BLACKARD: Calls for speculation.

9 THE WITNESS: No.

10 MR. GOLDSTEIN: Q. Are you familiar with
11 enclosures that might contain circuit breakers?

12 MR. BLACKARD: It's overbroad, calls for
13 speculation.

14 THE WITNESS: Yes.

15 MR. GOLDSTEIN: Q. Are you familiar with
16 enclosures that might contain cutoff switches?

17 MR. BLACKARD: Same objections.

18 THE WITNESS: Yes.

19 MR. GOLDSTEIN: Q. Are you familiar with
20 enclosures that might contain a backing material internally
21 that would allow one, an electrician, to mount various
22 switches and devices on the backing material?

23 MR. BLACKARD: The question lacks foundation.

24 THE WITNESS: No.

25 MR. GOLDSTEIN: Q. If you would, please -- and we

1 can mark this, if you want to.

2 I'd like you to take a look at what will be
3 Plaintiffs' next in order, I think Exhibit C, which is
4 entitled "Bethlehem Steel Corporation and Subsidiary
5 Companies, dated November 29, 1967.

6 MR. BLACKARD: Let me see it first.

7 MR. BLACKARD: Just tell him when you are done
8 looking at it.

9 THE WITNESS: I reviewed it.

10 MR. GOLDSTEIN: Q. Can you tell from having
11 reviewed it, what that is?

12 MR. BLACKARD: Well, the document, Exhibit -- is
13 it 3?

14 MR. GOLDSTEIN: I believe it's C.

15 MR. BLACKARD: -- C, speaks for itself, so -- I
16 mean, tell him what you think it is, if you have an ability
17 to do so.

18 THE WITNESS: I'm not familiar with Bethlehem
19 Steel's internal documents.

20 (Plaintiffs' Exhibit C was marked.)

21 MR. GOLDSTEIN: Q. Are there any names on the
22 page that you recognize, other than Bethlehem Steel?

23 A. Graybar Electric Company.

24 Q. Okay.

25 A. Square D.

1 Q. Does the document indicate in what capacity the
2 name Graybar Electric is being used on that page?

3 MR. BLACKARD: Calls for speculation.

4 MR. GOLDSTEIN: Q. Does the document indicate
5 that?

6 A. The document states, adjacent to Graybar's name,
7 "insert seller's name and remittance address."

8 Q. Does that appear to you to be a purchase order
9 from Bethlehem Steel?

10 MR. BLACKARD: Calls for speculation.

11 THE WITNESS: I don't know.

12 MR. GOLDSTEIN: Q. Is the address listed for
13 Graybar Electric, the address that you know to be the
14 current address of Graybar Electric in Seattle, Washington?

15 A. I believe so.

16 Q. And can you tell from looking at the document what
17 the date of the document was?

18 MR. BLACKARD: Again, the document speaks for
19 itself. It's got a date. It's got a date.

20 MR. GOLDSTEIN: Q. Do you recognize any of the
21 part numbers or descriptions on the page?

22 MR. BLACKARD: The question is vague. What do you
23 mean by "recognize"?

24 MR. GOLDSTEIN: Q. Do the part numbers that are
25 listed on the page that I just handed you that we have

1 marked as Exhibit C, appear to you to be Graybar Electric
2 part numbers?

3 A. They -- no.

4 Q. Based upon your familiarity as a branch sales
5 manager and vice president of sales for Graybar Electric, do
6 those part numbers appear to be Square D part numbers?

7 MR. BLACKARD: Calls for speculation.

8 THE WITNESS: They would appear to me to be a
9 Square D part number.

10 MR. GOLDSTEIN: May I take a look at that real
11 quick?

12 Q. This document appears to have been prepared during
13 the year 1967. If I were to look at a Graybar Electric
14 products catalog covering the year 1967, would these part
15 numbers appear in that catalog?

16 MR. BLACKARD: Calls for speculation.

17 THE WITNESS: It's possible.

18 MR. GOLDSTEIN: Q. Would there be a description
19 of these part numbers in that catalog if they did appear in
20 the catalog?

21 MR. BLACKARD: Same objection.

22 THE WITNESS: It's possible.

23 MR. GOLDSTEIN: Q. Might there be a photograph of
24 the product --

25 MR. BLACKARD: Same objection.

1 MR. GOLDSTEIN: Q. -- if the part number were in
2 the catalog?

3 A. It's possible.

4 MR. GOLDSTEIN: Can you mark that?

5 (Plaintiffs' Exhibit D was marked.)

6 MR. GOLDSTEIN: Q. I'd like you to take a look at
7 what we will mark as next in order, Plaintiffs' --

8 MR. BLACKARD: Off the record.

9 (Discussion off the Record.)

10 MR. GOLDSTEIN: Q. Have you looked at that
11 document --

12 A. Yes.

13 Q. -- that we have marked next in order?

14 Does that appear to you to be a similar document
15 to the one that we have previously marked as Plaintiffs'
16 Exhibit C?

17 A. Yes.

18 Q. And if I could direct your attention to the line
19 item that indicates "Buchanan block"?

20 A. Yes.

21 Q. Does it appear to be a Graybar Electric part
22 number associated with that description?

23 MR. BLACKARD: Calls for speculation.

24 THE WITNESS: I don't know.

25 MR. GOLDSTEIN: Q. Does it appear to be, based on

1 your familiarity generally, a Buchanan part number?

2 MR. BLACKARD: Same objection.

3 THE WITNESS: I don't know.

4 MR. GOLDSTEIN: Q. This document appears to have
5 been prepared in 1967. If we were to look at a Graybar
6 Electric catalog for the period 1967, do you believe that we
7 might find this Buchanan block in that catalog?

8 MR. BLACKARD: Calls for speculation.

9 THE WITNESS: It's possible.

10 MR. GOLDSTEIN: Q. And if this part number and
11 description were in the catalog, would there be a
12 description of the product?

13 MR. BLACKARD: Calls for speculation.

14 THE WITNESS: It's possible.

15 MR. GOLDSTEIN: Q. And perhaps a photograph of
16 the product?

17 MR. BLACKARD: Same objection.

18 THE WITNESS: It's possible.

19 (Plaintiffs' Exhibit E was marked.)

20 MR. GOLDSTEIN: Off the record a second.

21 (Discussion off the Record.)

22 MR. GOLDSTEIN: Back on the record.

23 Q. I'm sorry. Give me a minute.

24 A. That's fine.

25 Q. Perhaps this is a document you might be able to

1 identify. Could we mark this next in order. Sir, I'd like
2 you to take a look at this document.

3 MR. BLACKARD: Let me just object that it was
4 given to the witness in an argumentative fashion.

5 Take a look at it. It's a copy of something. Let
6 him know when you've had a chance to review it.

7 THE WITNESS: I've reviewed the document.

8 MR. GOLDSTEIN: Q. And is there any way for you
9 to identify that document for me?

10 A. It appears to be a Graybar invoice.

11 Q. Can you tell me if it has a -- any indication of
12 when the invoice might have been prepared?

13 MR. BLACKARD: The document, again, speaks for
14 itself. If there is a date, there's a date, it's there. He
15 doesn't need to read it into the record.

16 THE WITNESS: There's -- the date stated on
17 invoice is November 18th.

18 MR. GOLDSTEIN: Q. Does it indicate a year?

19 A. No.

20 Q. Sir, do you know whether or not Graybar Electric
21 currently maintains a post office box for the Seattle
22 office?

23 A. I can not recall.

24 Q. Do you recognize that post office box that's on
25 there?

1 A. No, I do not.

2 Q. Can you tell from looking at that Graybar Electric
3 invoice when the product that's being invoiced would have
4 been shipped?

5 A. On the invoice, it states March 18th.

6 Q. Is there a particular year that it was shipped?

7 A. It does not so state. That is on the one section
8 of the "shipped to." There's two sections of the -- the
9 shipping date. In the other section, it states November 16,
10 1970.

11 Q. The items that are listed on the invoice, do they
12 appear to you to be Graybar Electric part numbers?

13 MR. BLACKARD: Calls for speculation.

14 THE WITNESS: Yes.

15 MR. GOLDSTEIN: Q. And the items that are
16 carrying the descriptions "SQ D," do you know what that
17 refers to?

18 A. "SQ D" refers to Square D.

19 Q. If we were to look in a Graybar Electric catalog
20 for the year 1970 for those part numbers, would those part
21 numbers be listed in the catalog from 1970?

22 MR. BLACKARD: Calls for speculation.

23 THE WITNESS: They would, to the extent that this
24 specific product was contained in our catalog.

25 MR. GOLDSTEIN: Q. If a product is being sold

1 by -- and I am assuming that you have some -- a general
2 understanding of what goes in the catalog. Is that not
3 correct?

4 A. That is correct.

5 Q. All right. For any given year, if Graybar
6 Electric is distributing a particular product, would the
7 product appear in the catalog for that year?

8 A. Not necessarily so.

9 Q. Why would a product that's being distributed by
10 Graybar Electric not appear to the catalog for the year in
11 which it's being sold?

12 A. We just distribute several hundred thousand SKU's,
13 and it would not be reasonable to list every SKU that we
14 distribute a catalog.

15 Q. Approximately, if you know, how many, or what
16 portion, percentage-wise, of all the products that Graybar
17 would distribute in a given year, are you included in its
18 catalog?

19 MR. BLACKARD: That's overbroad, calls for
20 speculation.

21 Go ahead.

22 THE WITNESS: A small -- a relatively small
23 percentage.

24 MR. GOLDSTEIN: Q. As you sit here today, without
25 referring to the 1970 catalog, you couldn't tell me whether

1 or not the particular part numbers that are on what we have
2 marked as Plaintiffs' Exhibit E, I believe, are contained in
3 the catalog, can you?

4 MR. BLACKARD: Objection. Asked and answered.

5 THE WITNESS: Correct.

6 MR. GOLDSTEIN: Q. One other question. In
7 looking at what we have marked as Exhibit E, does reviewing
8 that Graybar Electric invoice assist you in any way in
9 refreshing any memory you might have regarding the product
10 which was referred to as Square D block or Square D operator
11 red or green?

12 A. No.

13 MR. GOLDSTEIN: Q. Can you think of any
14 individual currently employed by Graybar Electric who would
15 be able to answer the questions that I have posed with
16 regard to those part numbers and whether or not they are
17 contained in the catalog?

18 MR. BLACKARD: Objection. It's overbroad, vague
19 as to time, calls for speculation.

20 THE WITNESS: I can not personally think of such a
21 person.

22 MR. GOLDSTEIN: Q. Do you know the name of the
23 individual who is charged with the responsibility of
24 caretaker of the Graybar Electric collection of catalogs?

25 MR. BLACKARD: That assumes a fact not in

1 evidence.

2 THE WITNESS: I am not sure that there is such a
3 defined person.

4 (Plaintiffs' Exhibit F was marked.)

5 MR. GOLDSTEIN: Q. I'd like to mark this next, as
6 plaintiffs' next in order, I think we are up to F. If you
7 would, please take a look at that.

8 A. I have reviewed it.

9 Q. And does that appear to you to be similar to any
10 of the documents you have looked at previously?

11 A. Yes.

12 Q. Does it appear to be a Bethlehem purchase order to
13 Graybar Electric?

14 A. I do not know what this Bethlehem Steel document
15 is.

16 Q. Do you recognize the product number description on
17 that document?

18 A. No, I do not.

19 Q. This document has an invoice date of 1965 on it.
20 If we were to look at a 1965 catalog, Graybar Electric
21 catalog, might we find General Electric Glyptal number 1201
22 insulating compound in the catalog?

23 MR. BLACKARD: Calls for speculation.

24 THE WITNESS: I do not know.

25 MR. GOLDSTEIN: Q. In reviewing this document, in

1 reading the description, in looking at the invoice price,
2 does this in any way refresh your memory of what General
3 Electric Glyptal insulating compound is?

4 A. No.

5 Q. Have you ever heard of the name Rockbestos?

6 A. Yes.

7 Q. And how is it you recognize Rockbestos?

8 A. We are a distributor for Rockbestos.

9 Q. And what do you distribute for Rockbestos?

10 MR. BLACKARD: It's overbroad, vague as to time.

11 THE WITNESS: I am not -- not certain of all the
12 products we may distribute. One product is cable.

13 MR. GOLDSTEIN: Q. And do you know whether or not
14 Graybar Electric was distributing Rockbestos cable during
15 the relevant years requested in this Notice of Deposition,
16 1960 through '75?

17 MR. BLACKARD: Calls for speculation.

18 THE WITNESS: I do not.

19 MR. GOLDSTEIN: Q. During the years as the branch
20 manager for South San Francisco, and then as vice president
21 of sales, have you ever come to understand -- strike that.

22 During your career with Graybar Electric, have you
23 become familiar with a particular type of wire or cable
24 called pit cable, P-I-T cable?

25 A. No, I have not.

1 Q. You mentioned that Graybar Electric distributes
2 Rockbestos wire and cable. Can you think of any particular
3 types or ratings of cable or wire that Graybar distributes
4 for Rockbestos?

5 MR. BLACKARD: The question is overbroad, vague as
6 to time and calls for speculation.

7 THE WITNESS: No.

8 MR. GOLDSTEIN: Q. Do you know whether or not
9 Graybar Electric distributed asbestos-insulated cable for
10 Rockbestos?

11 MR. BLACKARD: The question assumes facts not in
12 evidence, it's overbroad, vague and ambiguous as to time and
13 calls for speculation.

14 THE WITNESS: I do not know.

15 MR. GOLDSTEIN: Q. During the document search
16 that was made by the individual branch managers that you
17 testified to earlier, did they tell you that they found any
18 documents indicating that Graybar Electric distributed any
19 asbestos-insulated wire for Raybestos during the relevant
20 period of times in response to -- and responsive to the
21 Notice of Deposition?

22 MR. BLACKARD: Objection. The question has been
23 asked and answered.

24 Go ahead.

25 THE WITNESS: Their reply is they could find no

1 documents relative to the time period 19 -- 1960 through
2 1975.

3 MR. GOLDSTEIN: Q. So they couldn't determine
4 whether or not Graybar had or had not distributed Raybestos
5 wire during that period?

6 MR. BLACKARD: That misstates the witness'
7 testimony.

8 THE WITNESS: They could find no documents from
9 that time period.

10 MR. GOLDSTEIN: Q. Mr. Maxwell, when you first
11 went to work for Graybar Electric as the branch manager in
12 South San Francisco, do you recall whether or not Graybar
13 Electric was providing Material Safety Data Sheets to
14 customers?

15 MR. BLACKARD: It's 1991, onward.

16 THE WITNESS: I do not specifically know.

17 MR. GOLDSTEIN: Q. Do you personally know how
18 long a distributor such as Graybar Electric would be
19 required to retain material safety data sheets?

20 A. I can state what our policy is in our record
21 retention policy. Thirty years. The current policy is 30
22 years.

23 Q. And when you made your inquiry with the branch
24 managers for Portland, Seattle and Denver, did you request
25 that they search for copies of Material Safety Data Sheets

1 during the relevant period of time?

2 A. I requested that they produce all documents during
3 that period of time, and the reply was that we had none.

4 Q. Would Material Safety Data Sheets be retained on a
5 branch level?

6 MR. BLACKARD: Calls for speculation.

7 THE WITNESS: I believe so.

8 MR. GOLDSTEIN: Q. So based on your instructions
9 to the branch managers and their reply, is it your
10 understanding, then, that Graybar Electric, at each of those
11 branches, does not have any Material Safety Data Sheets for
12 the period 1970 through '75?

13 MR. BLACKARD: Objection. Asked.

14 THE WITNESS: That's my understanding.

15 MR. GOLDSTEIN: Q. During the relevant period of
16 time -- not currently, but during the relevant period of
17 time, '60 to '75, do you know whether or not -- how was the
18 Seattle office delivering product to its customers?

19 MR. BLACKARD: Go ahead.

20 THE WITNESS: Okay. I don't have firsthand
21 knowledge from 1960 through 1975. But it's my understanding
22 that we would deliver products one of three ways: customer
23 may pick up the material, we may deliver it via our own
24 truck, or it may be delivered via common carrier if, in
25 fact, it was a shipment from our warehouse or a

1 manufacturers' shipment that was going directly to the
2 customer.

3 Q. And would the same be true with regard to the
4 Denver sales office?

5 A. Yes.

6 Q. And would the same be true with regard to the
7 Portland sales office?

8 A. Yes.

9 Q. When you say Graybar's own trucks, what are you
10 referring to?

11 A. Company-owned or leased vehicles.

12 Q. Are Graybar delivery trucks marked or identified
13 with the name "Graybar"?

14 MR. BLACKARD: Again, just to clarify this, is
15 between 1960 through 1975, Counsel? Is that the question?

16 MR. GOLDSTEIN: Right. Not now. I am not
17 interested in today.

18 MR. BLACKARD: Thanks.

19 THE WITNESS: I do not know in that time period
20 the markings on the trucks

21 MR. GOLDSTEIN: Q. Earlier you testified that
22 certain documents regarding written agreements were retained
23 for 20 years, correct?

24 A. Correct.

25 Q. From the date that the agreement was set to

1 expire, correct?

2 A. Correct.

3 Q. And I think you testified that the one of the
4 types of agreements that you would be familiar with would be
5 shipping agreements with freight carriers?

6 A. I used that as an illustration of possible
7 agreements that would fit that category.

8 Q. Do you know whether or not Mr. Chris Borel
9 specifically looked for written agreements with freight
10 carriers that would have applied to this relevant period of
11 time, '60 through '75?

12 MR. BLACKARD: Objection. Asked and answered.

13 THE WITNESS: It was my request that he produce
14 all documents during that time period, and replied there
15 were none.

16 MR. GOLDSTEIN: Q. But I am asking if you know
17 personally whether or not he specifically looked for that
18 form of document.

19 MR. BLACKARD: Objection. Asked and answered.
20 Don't answer it again.

21 MR. GOLDSTEIN: Q. And what about Mr. Mike Denbo?

22 MR. BLACKARD: Same objection.
23 Go ahead.

24 THE WITNESS: I asked that he produce all
25 documents from that time period, and he replied there were

1 none.

2 MR. GOLDSTEIN: Q. Do you know whether or not he
3 specifically looked for agreements with shipping companies
4 that would have covered the period -- the relevant periods,
5 1960 through '75?

6 MR. BLACKARD: Objection. Asked and answered.
7 Don't answer that again.

8 MR. GOLDSTEIN: Those were instructions not to
9 answer, were they, counsel?

10 MR. BLACKARD: That's correct.

11 MR. GOLDSTEIN: Okay. I just wanted to be clear.

12 Mr. Maxwell I appreciate your time. Those are all
13 the questions I have for you right now.

14 I think there are some open issues, however,
15 particularly with regard to the catalogs, and the
16 information contained in those that would be relevant to
17 answering some of plaintiff's discovery questions that I
18 have posed to you that you can't answer for me.

19 And plaintiff's are obviously reserving their
20 right to pursue those catalogs, as well as possibly the
21 deposition of individuals which have information that you
22 could not provide me.

23 MR. BLACKARD: You can reserve whatever you want.
24 This depo is done, unless any other counsel have any
25 questions.

1 EXAMINATION BY MS. HOFFMAN

2 MS. HOFFMAN: Q. Mr. Maxwell, My name is Jill
3 Hoffman. I have a couple of questions about the catalogs.
4 Were they ever meant to be a definitive list of
5 the actual products -- all of the products that Graybar
6 offered at any specific period of time?

7 A. No.

8 Q. So would it be fair to characterize the catalogs
9 as merely a general representation of the types of products
10 that Graybar offered at any point in time?

11 A. Yes.

12 Q. Would it be fair to say that there were certain
13 products that Graybar offered that were not listed in the
14 catalogs?

15 MR. BLACKARD: Calls for speculation.

16 MR. GOLDSTEIN: Asked and answered.

17 MR. BLACKARD: Go ahead.

18 THE WITNESS: Could you repeat the question?

19 MS. HOFFMAN: Read the question back, please.

20 (Record read.)

21 MR. BLACKARD: It was asked and answered, but go
22 ahead.

23 THE WITNESS: Yes.

24 MS. HOFFMAN: Q. Is it also true that during the
25 relevant time period covered by an individual catalog, that

1 a certain product would be discontinued during that time
2 period?

3 A. It's possible.

4 MR. GOLDSTEIN: Overbroad, vague.

5 MS. HOFFMAN: Q. So by that token, it's possible
6 that a product would be listed in a catalog, but no longer
7 offered by the company?

8 MR. GOLDSTEIN: Same objection.

9 THE WITNESS: It's possible.

10 MS. HOFFMAN: Q. During your experience at
11 Graybar, did you ever find that to be true?

12 A. I don't personally recall, but it's possible.

13 Q. Is it also possible that a product would be
14 discontinued prior to the issuance of a new catalog, but
15 also contained in the catalog?

16 MR. GOLDSTEIN: Calls for speculation, overbroad.

17 THE WITNESS: That is possible.

18 MS. HOFFMAN: Thank you. That's all the questions
19 I have with regard to catalogs.

20 MR. BLACKARD: Anybody? Thank you very much.

21 THE WITNESS: Thank you.

22 (The deposition was concluded at 12:20 p.m.)

23 Marjorie Forman

24 DATE SIGNATURE OF WITNESS

25



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